
**Testimony of Andrea Mancuso, on behalf of the Maine Coalition to End Domestic Violence
Neither for Nor Against LD 931: “An Act Regarding Participation in Public Works Projects by
Pretrial Inmates”
Before the Joint Standing Committee on Criminal Justice and Public Safety
Monday, March 21, 2025**

Senator Beebe-Center, Representative Hasenfus, and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, I am writing on behalf of the Maine Coalition to End Domestic Violence (MCEDV)¹ to raise concerns about the proposal in LD 931. **We have discussed these concerns with both Representative O’Halloran and Sheriff Morton, and I understand that Sheriff Morton is open to working with us on a proposed amendment to address them.**

While acknowledging that many defendants being held pre-trial in our county jails are there as a result of being poor or poorly represented, in cases involving domestic abuse and violence this pre-trial population more often includes those who have been assessed as dangerous to the community or to their victims. This includes defendants charged with having violated a protection from abuse order or a condition of their release to have no contact with their victim after having assaulted the victim in the first instance. It includes those defendants charged with aggravated assaults. It includes those defendants who have previously been charged and convicted of misdemeanor domestic violence who have reoffended. And it includes those defendants who have been assessed as having an increased likelihood of future violence through the Ontario Domestic Assault Risk Assessment (ODARA). Title 30-A, Section 1606 provides no definition of “certain inmates,” and thus provides no statutory criteria for which classes of defendants being held pre-trial would be eligible for work programs that may take place *outside/off the property of* a jail facility. This lack of criteria is concerning given the existence in the population of pre-trial inmates those who are there as a result of having been identified as dangerous to the community or their victim.

One of the greatest utilities of our criminal justice system for survivors of domestic abuse and violence is its ability to create a safe space in the immediate aftermath of the crisis. The time when a defendant is held pre-trial after having committed domestic violence

¹ MCEDV represents a membership of the eight regional domestic violence resource centers across Maine as well as two culturally specific services providers. Last year, our network provided services to more than 12,000 survivors of domestic abuse and violence and their children in our state.

will frequently be the *only* time that defendant is incarcerated. For many survivors, it is the window of time in which they have actual, tangible safety – freedom from ongoing threat, room to breathe, peace of mind - and can better achieve success around critical components of their safety plan to ensure that they and their children are in a better, safer place when the defendant is eventually released back into the community.

We note that the public works release program outlined under Title 30-A, Section 1606, subsection 1 does not require victim notification. In sending a defendant out into the community under this program, the county jail is not required to notify the victim of the intended location of a defendant or even the fact that a defendant will be participating in this program. This type of public works release, now only being applied to post-sentenced individuals, has already had trauma repercussions for survivors who have unexpectedly encountered the person who abused them in their community serving on a public works project. To significantly increase the population of incarcerated individuals who could suddenly pop-up in community spaces without notification to those they have victimized, particularly in the context of pre-trial incarceration (which would mean exposure much closer in time to the incident for which the individual is incarcerated than those on such releases post-conviction) risks leaving survivors re-traumatized and further mistrusting of the ability of the criminal justice system to contribute and attend to their safety. Victim notification should be an essential component of any release of a pre-trial defendant into the community, even under supervision of county jail staff.

MCEDV appreciates that allowing pre-trial residents to work within the jail facility can have benefit to both the resident and the county jail. It is our understanding from Sheriff Morton's testimony in the 130th Legislature on a similar proposal (LD 419), that 75% of the projects that are contemplated are projects that are on the property of the county jails. MCEDV would ask the Committee to limit the scope of the proposal to those work projects that are on the property of the county jails. **It is our understanding that amending the bill to reflect that limitation is not opposed by the Maine Sheriffs.**

To the extent that the Maine Legislature moves forward a statutory change to permit defendants being held pre-trial in our county jails to participate in work projects, we hope that you will only do so after having addressed these concerns. Thank you for giving us this opportunity to be heard on LD 931.

Contact Information:

Submitted by Kelly O'Connor on behalf of Andrea Mancuso, Public Policy Director

Ph: (207) 430-8334

Email: andrea@mcedv.org